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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT**

THE PEOPLE,

Plaintiff and Respondent,

v.

JOSE ELIAS PORTILLO,

Defendant and Appellant.

F044606

(Super. Ct. No. BF103300A)

OPINION

THE COURT*

APPEAL from a judgment of the Superior Court of Kern County. John I. Kelly, Judge.

Eleanor M. Kraft, under appointment by the Court of Appeal, for Defendant and Appellant.

Bill Lockyer, Attorney General, Robert R. Anderson, Chief Assistant Attorney General, Mary Jo Graves, Assistant Attorney General, and Charles A. French, Deputy Attorney General, for Plaintiff and Respondent.

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* Before Vartabedian, Acting P.J., Wiseman, J., and Gomes, J.

A jury convicted appellant Jose Portillo of three counts of felony second degree burglary (Pen. Code, §§ 459; 460, subd. (b); counts 1, 2, 3). The court imposed a sentence of three years four months, consisting of the two-year midterm on count 1 and, on each of the remaining counts, eight months, representing one-third of the midterm for each count.

Appellant's appointed appellate counsel has filed an opening brief which summarizes the pertinent facts, with citations to the record, raises no issues, and asks that this court independently review the record. (*People v. Wende* (1979) 25 Cal.3d 436.) Appellant has not responded to this court's invitation to submit additional briefing.

Following independent review of the record, we have concluded that no reasonably arguable legal or factual issues exist.

The judgment is affirmed.